

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of Cheever et al.

Serial No.: 09/493,480

Art Unit: 1643

Filing Date: January 28, 2000

Examiner: A. Holleran

For: HER-2/Neu Fusion Proteins

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ Copies of the references are enclosed
- ☐ Copies of the references were submitted in parent application Serial No. _____
(37 CFR 1.98(d))
- ☐ A copy of the International Search Report which issued on International Application No. _____ is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

A. ☐ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

☒ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

B. ☐ The Information Disclosure Statement transmitted herewith is being filed after three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:

- (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,
- whichever occurs first.

☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

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- C. ☐ The Information Disclosure Statement transmitted herewith is being filed after a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which issued on International Publication No.

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. [or]
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

☒ Please charge any required fees to Deposit Account No.07-1392.

☐ A duplicate copy of this paper is attached.

Respectfully Submitted,

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT		SERIAL NO.		09/493,480			
		FILING DATE		January 28, 2000			
		APPLICANT		Cheever et al.			
		GROUP		1643			
		EXAMINER		A. Holleran			
		ATTORNEY DOCKET NO.		CRX113US			
U.S. PATENT DOCUMENTS							
Examiner Initials		Patent Number	Issue Date	Name	Class	Subclass	Filing Date If Appropriate
	1.	4,803,072	2/7/1989	Dalton et al.			
	2.	5,723,130	3/3/1998	Hancock et al.			
	3.	5,726,023	3/10/1998	Cheever et al.			
	4.	5,801,005	9/1/1998	Cheever et al.			
	5.	5,811,098	9/22/1998	Plowman et al.			
	6.	5,846,538	12/8/1998	Cheever et al.			
	7.	5,869,445	2/9/1999	Cheever et al.			
	8.	5,876,712	3/2/1999	Cheever et al.			
	9.	6,080,409	6/27/2000	Laus et al.			
	10.	6,146,632	11/14/2000	Momin et al.			
	11.	6,270,769	8/7/2001	Raychaudhuri et al.			
	12.	6,333,169	12/25/2001	Hudziak et al.			
	13.	6,664,370	12/16/2003	Cheever et al.			
	14.	6,734,172	5/11/2004	Scholler et al.			
	15.	6,942,862	9/13/2005	Cheever et al.			
	16.	6,953,573	10/11/2005	Cheever et al.			
	17.	7,005,498	2/28/2006	Steinaa et al.			
	18.	US2002/18766	2/14/2002	Roberts et al.			
	19.	US2002/155527	10/24/2002	Stuart et al.			
FOREIGN PATENT DOCUMENTS							
		Document Number	Publication Date	Country	Class	Subclass	Translation Yes No
	20.	WO00/04927	2/3/2000	PCT			
	21.	WO00/20027	4/13/2000	PCT			
	22.	WO00/29582	5/25/2000	PCT			
	23.	WO00/44899	8/3/2000	PCT			
	24.	WO01/74855	10/11/2001	PCT			
	25.	WO91/02062	2/21/1991	PCT			
	26.	WO91/18926	12/12/1991	PCT			
	27.	WO95/17210	6/29/1995	PCT			
	28.	WO96/02555	2/1/1996	PCT			
	29.	WO96/18409	6/20/1996	PCT			
	30.	WO98/25574	6/18/1998	PCT			
	31.	WO99/46988	9/21/1999	PCT			
	32.	WO99/57981	11/18/1999	PCT			
OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)							
	33.	EZZEL et al., Cancer "Vaccines": An Idea Whose Time Has Come?, J. NIH research 7:46-49 (1995).					
	34.	SPITLER, Cancer Vaccines: The Interferon Analogy, Cancer Biotherapy 10(1):1-3 (1995).					
	35.	DISIS et al., Peptide-Based, but Not Whole Protein, Vaccines Elicit Immunity to HER-2/neu, an Oncogenic Self-Protein, The J. of Immunology 156:3151-3158 (1996).					
	36.	DISIS et al., Immunization with Homologous Foreign Proteins Generates Immunity Against "Self" Tumor Antigens, The FASEB Journal 10(6):A1470 (1996) ABSTRACT from Meetings, New Orleans, LA June 2-6, 1996.					
	37.	DISIS and CHEEVER, Advances in Cancer Research 71:343-371 (1997).					
EXAMINER					DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.							

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